

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.132 OF 2017

The State of Maharashtra	 Applicant
versus	
Bhimrao Mahadeo Lande & Anr.	... Respondents
.....	

- Mrs.M.H. Mhatre, APP for the State/Applicant.

**CORAM : B. R. GAVAI &
SARANG V. KOTWAL, JJ.
DATE : 06th AUGUST, 2018.**

P.C. :

1. The present Application, u/s 378(3) r/w Rule 19 of Chapter XXVI of the Bombay High Court Appellate Side Rules, 1960, has been filed by the State being aggrieved by the findings of acquittal as recorded by the learned Additional Sessions Judge, Solapur, vide his Judgment and Order dated 30/06/2015 in Sessions Case No.302/11 thereby acquitting the accused for the offence punishable u/s 376 of IPC.

2. The learned Trial Judge has found that the Appellant was charged and tried for the offence punishable u/s 376 of IPC

for committing rape on the prosecutrix. It was the prosecution case that the prosecutrix was forced to come to one field by the accused No.2, i.e. wife of the accused No.1 and it is further case of the prosecution, that the prosecutrix was kept in the field from 15/08/2011 to 05/09/2011.

3. The learned Trial Judge found that though the incident as alleged by them took place on 15/08/2011 the information was given for the first time in September 2011. The learned Trial Judge further found that the evidence of the prosecution case was full of omissions and contradictions. It was further found that the medical evidence as well as the chemical analysis report did not corroborate the version of the prosecutrix.

4. In that view of the matter, it cannot be said that the view taken by the learned Trial Judge was either perverse or impossible. Hence the Application for leave to Appeal is rejected.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)